

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

PATRICK O'HAVER,

Plaintiff,

v.

MARRIOTT INTERNATIONAL,
INC., BRIAN DOUGLAS
THOMPSON, AND JOHN DOES
1-5

Defendant.

CIVIL ACTION

FILE NO. _____

**DEFENDANT MARRIOTT
INTERNATIONAL, INC.'S
NOTICE OF REMOVAL OF
ACTION**

28 U.S.C. § 1441(a)

DIVERSITY OF CITIZENSHIP

Action Filed: January 28, 2022

(State Court of Fulton County Civil
Action File No. 22-EV-000609)

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court for the
Northern District of Georgia, Atlanta Division:

COMES NOW, **MARRIOTT INTERNATIONAL, INC.** (“Marriott”),
improperly named as a Defendant in the case styled Patrick O'Haver v. Marriott
International, Inc., Brian Douglas Thompson, and John Does 1-5, State Court of
Fulton County, State of Georgia, Civil Action File No. 22-EV-000609, appearing

specially and without waiving formal service of process or subjecting itself to the jurisdiction of this Court, pursuant to 28 U.S.C. §§ 1331, 1332, 1391(b)(2), 1441, and 1446, and Federal Rule of Civil Procedure 11, files this Notice of Removal with a filing fee and a copy of process and pleadings served upon Marriott in said case.

1. Patrick O'Haver ("Plaintiff") filed suit against Marriott in the State Court of Fulton County, State of Georgia, which is within the Division of this Court on January 28, 2022. 28 U.S.C. § 121(1). Said lawsuit is styled as above and is numbered as Civil Action No. 22-EV-000609. Plaintiff's claims involve an altercation that occurred at The Westin Peachtree Plaza, 210 Peachtree Street NW, Atlanta, GA 30303 on January 29, 2020. Exhibit "A", ¶¶ 6-7.

2. Plaintiff filed his Complaint on January 28, 2022. Marriott hereby files this Notice of Removal pursuant to 28 U.S.C. § 1446(b).

3. Upon information and belief, Plaintiff is a resident and citizen of the State of Georgia. Exhibit "A", ¶ 1.

4. Plaintiff improperly named Marriott as the owner, operator, and manager of The Westin Peachtree Plaza. Exhibit "A", ¶ 6. At the time of the Incident, and at all pertinent times thereafter, SLC Atlanta, LLC owned and operated

The Westin Peachtree Plaza. SLC Atlanta, LLC was a resident and citizen of the State of Maryland. Exhibit "B".¹

5. SLC Atlanta, LLC is a wholly-owned subsidiary of Marriott International, Inc.

6. Plaintiff alleges that he suffered bodily injury, resulting in pain and suffering; emotional distress; medical expenses; and lost wages. Plaintiff seeks damages in an amount to be determined by the trier of fact.

7. Upon information and belief, Plaintiff's alleged damages exceed Seventy Five Thousand and no/100 (\$75,000.00). Plaintiff's December 18, 2021 settlement demand of \$1,000,000.00 includes reference to past medical expenses of \$77,001.16, \$14,321.20 in lost wages, and an unspecified amount of future medical expenses that "will reach into the tens of thousands of dollars." Exhibit "C".

8. The action described above is a civil action with a claim of which this Court has original jurisdiction and it is one that may be removed to this Court by Marriott pursuant to the provisions of 28 USC §§ 1332 and 1441 et seq., in that there is complete diversity among Plaintiff and the Defendant, the Parties were not

¹ Improperly-named Defendant Marriott International, Inc. was also, at all times pertinent, including the time it was served with Plaintiff's Complaint, a resident and citizen of the State of Maryland. Exhibit "D".

residents of the same State at the time of filing of the Complaint, and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

9. Marriott files herewith a copy of all process, pleadings, and orders received by Marriott in Civil Action File No. 22-EV-000609 pursuant to 28 USC §1446, including a copy of the Summons and Complaint in State Court of Gwinnett County, State of Georgia as well as Defendant Marriott International, Inc.'s Special Appearance Answer, collectively marked as Exhibit “A”.

10. Marriott attaches hereto a copy of Defendant’s Notice of Removal which has been sent for filing in the State Court of Fulton County, Georgia, marked as Exhibit “E”.

11. Marriott attaches hereto a copy of Defendant’s Brief in Support of Notice of Removal, marked as Exhibit “F”.

WHEREFORE, Marriott respectfully requests that the above action now pending against it in the State Court of Gwinnett County, Georgia be removed to this Court.

This the 9th day of February, 2022.

HALL BOOTH SMITH, P.C.

191 Peachtree Street, NE
Suite 2900
Atlanta, Georgia 30303

/s/ **Paul B. Trainor**
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CERTIFICATE OF SERVICE

I hereby certify that I have this day submitted the foregoing **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing addressed to the following attorneys of record:

George A. Koenig
Koenig Law Group, P.C.
Peachtree 25, Suite 599
1718 Peachtree Street, N.W.
Atlanta, GA 30309
Attorney for Plaintiff

This 9th day of February, 2022.

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*Attorneys for Defendant Marriott
International, Inc.*